Convoy Dispatch

VOICE OF THE TEAMSTER RANK AND FILE SINCE 1975 — December, 2005 # 231

Tom Leedham Campaign for Teamster President Moves Ahead!

Hoffa 'DisUnity' Slate Splits

Freight Director and VPs Bolt Hoffa Slate

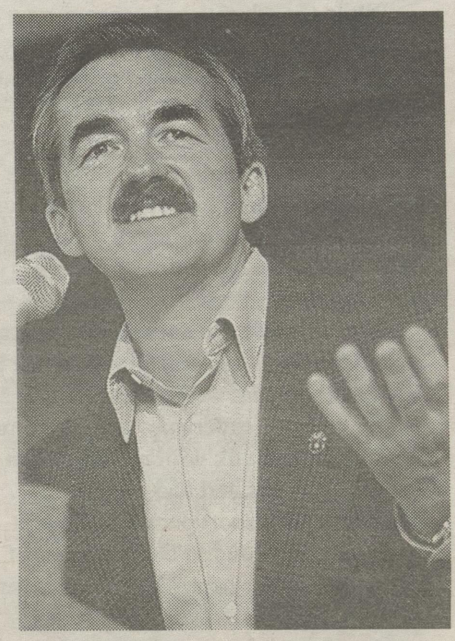
On the same day that Tom Leedham delivered more than 55,000 petition signatures to become an officially accredited candidate for General President, James Hoffa's so-called 'Unity' Slate split into competing factions.

Hoffa's Freight Director and Southern Region Vice President Tyson Johnson has announced his candidacy for General President. Other IBT Vice Presidents and Hoffa supporters are reportedly abandoning the Hoffa ship.

The breakup of the Hoffa Unity Slate is an embarrassing and damaging blow to Hoffa, whose record of pension cuts and declining Teamster power has cost him support from members and officers alike.

In 2001, the Hoffa Campaign depended on the united support of most Teamster officials to deliver the vote. Now that unity is fracturing.

As the Hoffa camp splits, growing numbers of Teamster members and officers are getting behind the Tom Leedham Strong Contracts, Good Pension Slate.



Complete Teamster election coverage on pages 6-7.

"TDU provides information and education that Teamsters can't get anywhere else. At the TDU Convention, I was amazed at the number of Teamsters there who were united behind the same goal—building a stronger union that can win good contracts and a better future for working families. Join TDU today."

Nelson Polanco, Shop Steward
Local 805, New York

JOIN TDU

TDU MEMBERSHIP APPLICATION

Name _____ Local _____

Address _____

City _____ State _____ ZIP _____

Phone _____ Company _____

E-mail _____

❑ City ❑ Road ❑ Dock ❑ Clerical ❑ Warehouse ❑ Construction ❑ Production

Other _____

___ $40 one-year membership & subscription to *Convoy Dispatch*

___ $95 three-year membership fee

___ $25 for spouses, and Teamsters who gross less than $22,000 a year

___ $25 for retirees. Retired from Local _____

❑ Check or money order

MC/Visa/AmEx/Discover # _____ Exp. Date _____

Date _____ Signature _____

Return to: TDU, P.O. Box 10128, Detroit, Mich. 48210

TDU membership is kept confidential. TDU solicits and accepts membership applications and donations only from Teamsters, retired Teamsters and spouses who are not employers. Only funds from Teamster members and their spouses can be used for campaign purposes.

Pay Attention to Your Pension

See pages 4-5 inside for special pension coverage

- IBT Needs a Plan to Counter Pension Attacks
- Central States Put Cuts in Place for Years to Come
- Pension Reform Legislation: Headed for Final Step
- Comparative Study Counters Central States' Claims

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Letters From Our Members

TDU Convention Invigorates

I just returned home from the 2005 TDU Convention held in St. Louis. It was my first. To say that it was an impressive event is like saying that a Teamster is just a worker. The convention was so much more than I expected. The workshops were informative, professionally presented,and thought provoking. I made many new friends from all across the United States and even Puerto Rico.

While the educational programs surpassed all my expectations, what really jump started me and turned my thoughts to becoming a more active and better Teamster was seeing the local union leaders. They offered their knowledge and assistance to members, stewards and other leaders that were states away from them, and at the same time were obviously learning things from those they were speaking to. The unselfish sharing of information was contagious. When I saw members that were retired or had 25 and 30 years of experience take the time to sit down and talk with members that were in their 20s and had only been Teamsters for a short period of time, it made me feel proud to be a member of an organization where, "What's in it for me?" was not the prevailing attitude.

It was an honor for me to meet all of you and it is my hope to meet those of you that will be calling the TDU Convention in 2006 your first convention.

David Manolis
Local 391, UPS
Lumberton, N.C.

A New Direction with Leedham

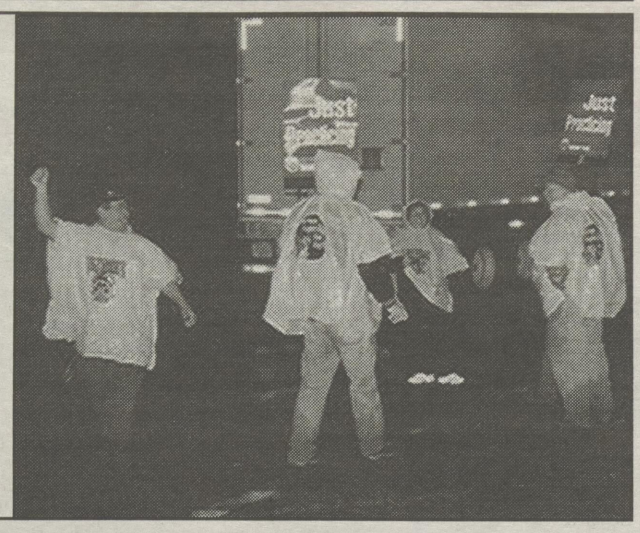
As a long time Teamster but a new TDU member, I was greatly impressed with the devotion and dedication of those in attendance at this year's convention. It's good to know there are so many people willing to step up and work for the common good of ALL Teamsters, not just a chosen few. But I was most excited about and impressed with hearing Tom Leedham speak.

I've no doubt that he will lead us in the right direction. It's time to put the members back in the Teamsters.

Jane Peyton
Local 89, USF Holland
Louisville, Ky.

Picket Practice

Trash haulers at BFI in Atlanta are "Just Practicing" their picket lines in case a strike is needed to persuade the company to bargain a first contract. The Teamsters have ongoing first-contract struggles at BFI facilities across the country.



Pension Leaders Need to be Held Accountable

In regards to the pension fund, I believe the fund managers and the leaders who run them should take responsibility for their huge losses. They blame the stock market and make Teamsters take a huge cut. Have they taken a cut? How come the New York State Retirement fund is doing fine? Do they invest in a different market? Of course not. The Teamster pension trustees have the audacity to tell me that my pension was not cut in half, but our benefits went from 2.6 percent to 1.3 percent. These jokers have to go. The whole bunch of them.

Joseph St. John
Local 294, Electric City Concrete
Albany, N.Y.

Leedham Watches out for Retirees

GO TOM LEEDHAM!! I'm retired and can no longer vote, but I'm sure glad there is a possibility of major change in the Teamster Union. I was lucky and was able to retire before the cuts took effect, but even now the increasing rates we retired members must bear for health insurance are quickly eating away at our pensions. I urge every active Teamster member to support the Leedham ticket so they too can have a decent retirement—and just maybe something can be done to help those already retired who are feeling the bite of the additional $100 per year we are forced to pay for health insurance.

Dan Rausch
Local 795 Retired, UPS
Casa Grande, Ariz.

$100,000 Club Informs Members

Gas, electric, and heating fuel have nearly tripled in my area. In January I'll get a 25-cent raise while my local President made over $128,000 last year. What's wrong with this picture? Thanks, TDU, for the annual $100,000 Club issue of *Convoy* to keep us Teamsters informed.

Joyce Wolfe
Local 416, Marsh Bellofram
Cleveland

How to Contact TDU

We want to hear from you. Contact us at the addresses below for more information about TDU, or to send us articles or letters

National Office: P.O. Box 10128, Detroit, Mich., 48210. Phone: (313) 842-2600. Fax: (313) 842-0227. E-mail: tdudetroit@tdu.org Website: www.tdu.org

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E-Mail Your Letter

Visit our web page at **www.tdu.org** and use the link provided there, or e-mail your letter to **letters@tdu.org**.

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TDU International Steering Committee

Co-Chairs:
Dianne Bolton, Seattle Local 174
Joe Fahey, Milwaukee Local 200
Michael Ruscigno, New York Local 802
Michael Savwoir, Kansas City Local 41

Organizer:
Ken Paff, Detroit

Trustees:
Willie Hardy, Memphis Local 667
Matt Latzo, Washington Local 639
Bob McNattin, Minneapolis Local 120

Members:
Richard Berg, Chicago Local 743
Nichele Fulmore, North Carolina Local 391
Frank Halstead, Los Angeles Local 572
Larry Macdonald, Atlanta Local 728
Ernesto Perez, Covina, Calif. Local 396
Sandy Pope, New York Local 805
Mara Quiara, Puerto Rico Local 901

Alternates:
D. E. "Ed" Michael, Salem, Ill., BLET Div. 724
John Walsh, Seattle Local 767-M
Gary Brooks, Chicago Local 705

Who We Are

CONVOY DISPATCH is the voice of Teamsters for a Democratic Union. We are the united rank and file movement to reform the Teamsters, created out of the merger of PROD and TDU.

We are truck drivers, dock workers, production workers—every kind of Teamster, and spouses, too.

We are a grassroots organization with chapters from coast to coast in the USA and Canada. We believe in returning this union to the membership and we are doing it. We are a democratic organization in which every member has a voice and vote. Our 15-member International Steering Committee was elected in November 2005 for one year. Our Rank & File Convention had 300 representatives present.

We are proud Teamsters standing up for our rights. TDU invites all Teamsters interested in defending our contracts and reforming our union to join us. We do reserve the right to exclude those who are opposed to TDU and its principles.

Rank & File Bill of Rights

I. DEMOCRATIC BYLAWS. All business agents and stewards should be elected. Vacancies in office should be filled by special election within three months. Local union committees should be elected. Contract and strike votes should be by majority (not two-thirds). All contracts should provide for elected officers retaining company seniority.

II. DIRECT ELECTION OF OFFICERS. General President and all International officers should be elected by the membership. International VPs should be elected by regions. No more trusteeships and split-off locals.

III. A FAIR GRIEVANCE PROCEDURE. Innocent until proven guilty, right to remain on the job until final procedure completed. Grievance procedure should include right to a speedy trial, arbitration by peers, and the right to strike if necessary.

IV. PRESERVATION OF WORKING CONDITIONS. The union's purpose is to expand and preserve what we have, not trade it away for less. People come first, not productivity.

V. SAFETY AND HEALTH. We have the right to enter the workplace without fear for our health and leave in the same condition we arrive. Teamsters should have the right, backed by our union, to refuse unsafe work or hazardous conditions. We are not machinery.

VI. EIGHT-HOUR DAY AND FIVE-DAY WEEK. Forced overtime and unfair dispatch rules destroy our family life and cost us jobs. No mandatory overtime, "flexible" work weeks, or 70-hour slavery. We are for the advent of the four-day work week. We work to live, not live to work!

VII. A DECENT PENSION. Every dollar in the pension funds belongs to us. We are entitled to 25-and-out, cost of living on pensions, and union pension trustees elected by the rank and file and retirees to safeguard our money.

VIII. JUST SALARIES FOR OFFICERS. A union officer can't understand the problems of members who make less than half what he or she makes. No officer should make more than the highest paid working members in their jurisdiction. No multiple salaries from union, company, or government sources, or special fringes and pensions. Salary increases limited to the average increase for members, and subject to membership approval.

IX. EQUALITY AMONG TEAMSTERS. Bring all wage levels up to the highest standards, not a lot for the few and little for the many. Fight the hardest for the lowest paid.

X. END TO DISCRIMINATION. Employers have used the differences in age, race and sex to divide us for decades. We oppose these injustices and divisions. Support affirmative action to correct past injustices. Employers should bear the cost of their past discrimination, not the members.

TDU 30th Rank & File Convention

TDU Sparks the Fires of Reform

(Excerpts from the convention speech of Ken Paff, National Organizer of TDU)

The other day one of our finest citizens of Detroit, and of this country, passed away. Rosa Parks, the mother of the civil rights movement, who refused to give up her seat on the bus when a white man wanted to sit in it, 50 years ago in Montgomery, Alabama.

That act of quiet courage sparked a movement that spread across Montgomery, and across the South, and across the nation, and well beyond. A movement for justice and equality and a movement that improved the lives of millions and made this world a better place.

Before there was Montgomery, most people didn't believe this was possible, they didn't see it coming. Rosa Parks was one of the folks who saw it differently. She was an activist. She didn't just happen to make history, she set out to make history.

Twenty years earlier she was holding meetings in her living room. Ten years earlier she became an officer of the statewide civil rights group. And that's how change happens. It doesn't come out of thin air. It's organized and led by committed activists who work together to make it happen; they take a step forward, or a few, and sometimes a step back, but they keep organizing.

We've sparked some fires and made history before, sometimes big ones that changed labor. In 1991 we took the Teamsters into a new era, took out decades of trash, elected all new leaders. Labor got a spark. In 1997, the UPS strike victory didn't come out of nowhere, but from years of laying the basis for it, and again this movement sparked labor's biggest victory of the decade.

Our union sure as hell needs a spark right now. Seven years of the Hoffa administration: what's it brought us? Pension cuts. Dues increase. USF Redstar. Overnite. Ed Stier's out and John Coli's in.

This union is ready for the spark. This is a critical time and it's not just the Teamsters. There's a war that's going on. Corporations are attacking working people on all fronts. Their vision is a Wal-Mart society and I don't mean low prices and friendly greeters. I mean $8 an hour wages. Our best defense is a good offense of our own.

"We need to clean house in 2006 so we have International leaders who know which side they're on when working Teamsters fight corporate greed."

In 1999 Hoffa said he was going to restore the power. He said the Hoffa name would do it. Then in 2002, he said he needed a nickel an hour for Teamster power. The dues hike would do it. Now in 2005 he says he can do it because he's got the AFL-CIO off his back. Was it John Sweeney that made Hoffa cut your pensions? Or drive the Overnite organizing effort off a cliff? I think his excuses are going downhill.

Teamster members are not buying his celebrity gig anymore. They know the Hoffa name does not mean power. Even in the Hoffa camp, it's not resonating. Tom O'Donnell, International Vice President in New York, is running against Hoffa. Lots of other officials are disgruntled too. Some of Hoffa's troops are deserting, and others are refusing to fight.

It's up to us. Most Teamster members are fed up. But they're not going to step forward until they see something, something that can win. That's up to us. It's been TDU that's led the fight to preserve pension benefits. TDU got organized, educated, involved. The International should have done that, on a huge scale. But instead of seeing angry members as a valuable resource to mobilize and defend our plans, they see members as a threat.

Teamsters need leaders with a plan and a will to win and the confidence to fight with the members to carry that plan to victory. Instead they get Hoffa lying to members and Fred Gegare fronting for the corporations.

We need to clean house in 2006 so we have International leaders who know which side they're on when working Teamsters fight corporate greed. We know which side we're on. That's what TDU is about. We build grassroots movements and develop grassroots leaders. We need to develop more leaders, because you can never have too many Rosa Parks.

This is your movement. This is your future. It's your chance to be the spark that makes this a better world. I thank you for letting me be a part of it.

Above: The 2005-2006 TDU International Steering Committee (ISC) was elected at the Convention. From left to right (names in bold indicate new to the ISC): **Ed Michael, BLET Div. 724**; Joe Fahey, Local 200; Ken Paff, TDU National Organizer; Michael Savwoir, Local 41; Michael Ruscigno, Local 802; Bob McNattin, Local 120; Dianne Bolton, Local 174; Richard Berg, Local 743; Matt Latzo, Local 639; **Ernesto Perez, Local 396**; **Nichele Fulmore, Local 391**; Frank Halstead, Local 572; **John Walsh, GCC 767-M**; **Gary Brooks, Local 705**.
Not pictured: Willie Hardy, Local 667; Larry Macdonald, Local 728; Sandy Pope, Local 805; **Mara Quiara, Local 901**.

"It's easy to feel isolated and lost in my workplace. The workshops run by rank and file Teamsters at the convention taught me useful, practical organizing lessons that I can apply to my job as we head into a critical time for our union. I can't wait until we dump Hoffa in ' 06!"

Adrian Esquivel
Local 743, University of Chicago
Chicago

Take a TDU Workshop Home

This year's Rank and File Convention featured 17 educational workshops. Here are a few that might be of interest to you and your co-workers. If you are interested in scheduling a workshop, contact the TDU office at (313) 842-2600.

Organizing to Win Strong Contracts

How to unite members, pressure the employer and win a good contract. This workshop focuses on contract campaign tactics.

Strategic Grievance Handling

How to pick and choose battles and find ways to prevent becoming overwhelmed by the grievance procedure. This workshop will also examine how to use grievances as an organizing and educating tool in the workplace.

Protecting and Improving Pension and Health Benefits

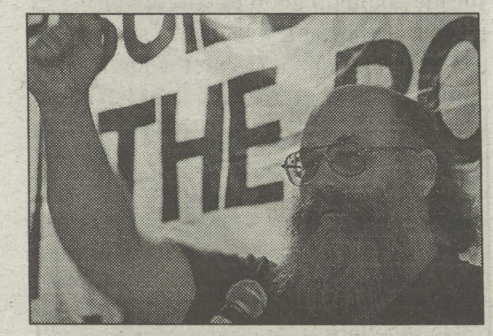
Teamster benefits and rights are under attack. This workshop will discuss pension rights and new legislation that may change how our Teamster plans operate.

Becoming Better Local Union Leaders: Essential Skills

Becoming an effective local union leader takes a unique combination of skills. This workshop will address the essential functions and tasks of running a reform local union, from goal-setting to staff management to communication strategies.

Beating Apathy and Getting Members Involved

Union member inactivity is the boss's best friend. A look at how members become deactivated and what can be done to start involving and uniting members in your workplace or local union.

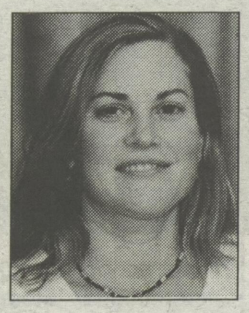


"All Teamsters should attend a convention like TDU's. It's an eye-opening experience of what true unionism is. This year's convention brought a message of unity and a vision for the future. With reform leadership we can change this 'me first' society."

Barry Strohl
Local 28, Roadway
South Carolina

IBT Needs Plan for Countering Employer Attacks on Benefits

Sandy Pope
Local 805
President
New York



Employers across North America are attacking the pension and medical benefits of working Americans. Union and non-union workers are being hit with larger co-pays, cuts in benefits, or worse.

Our union needs a clear plan of action for protecting and improving benefits for all Teamsters. The employers have a plan. Our union leadership doesn't. That's why we are being pushed backward now.

Local Unions — and many benefit plans are local, or even company plans — are left to struggle on their own to combat cuts and maintain benefits.

We need to practice solidarity in action: a national plan of action for various industries and contracts with resources and leadership from the International Union behind it.

National Task Force

To start with, the IBT needs to start playing a leadership role in education and bargaining skills around benefit issues. A national benefit protection committee should be formed, with local officers, stewards and members. Its mission should be to help guide the research, organizing and education effort that is needed to counter the employer attack on benefits.

At the same time the IBT needs to create a task force that is staffed with benefit fund professionals and media experts. The task force would work closely with the national committee to mount campaigns.

We also need to aggressively work for a national health care plan in this country, so that non-union employers like Wal-Mart have to start paying their fair share.

The IBT under Hoffa has absolutely no ongoing mechanism for developing and implementing a united plan among Teamster benefit funds. There is an annual Teamster educational event for trustees, which is fine, but far from adequate.

When the employers or the fund managers come forward with a proposal for cutting benefits, our union trustees' first response must never be, "OK, how much?" But too often, that is what we see happening.

Audit of all Major Teamster Funds

Hoffa claimed nearly two years ago that the IBT would do an independent actuarial study of the Central States Fund. That was a good start, but nothing was ever heard of it again.

The members are kept in the dark and treated as the enemy, instead of a positive force to fight back. The IBT also should put in place a mechanism for independent studies of pension and welfare funds, with union-selected experts, so that any potential problems are uncovered well in advance of negative consequences.

The Western Conference Fund cut the multiplier 2.5 years ago, even though the Fund was financially strong. Now it is approaching 100 percent funding and still there is no action to restore our members' benefits.

The New England Fund cut benefits earlier this year and then backed off on part of the cuts, under pressure from members and local officers.

In both cases the International Union leadership has been silent, going along with the employer-demanded cuts. Without any independent expert studies, our members are left in the dark, isolated and angry.

Contract Campaign Organizing

A business-as-usual approach to the 2008 UPS and freight contracts won't cut it. Massive contract campaigns will have to be put in place early, well before the 2008 bargaining.

UPS has a plan: they want out of union pension funds, and they are aggressively marketing this to our Teamster members. This must be countered with a Teamster plan to preserve and rebuild all of our pension funds. Freight and carhaul Teamsters will also need contract campaigns that take into account the challenges of winning good contracts while defending and improving benefits.

It seems clear the Hoffa administration is not going to move in this kind of pro-active way. They react to employers' moves, mainly by going along. And they hope if they go along nicely with UPS management, then maybe management will be nice in return, and won't move to bust apart our pension funds.

It's going to take a new, forward-looking Teamster leadership to defend our good benefits and improve those that fall short. That's what the Tom Leedham Strong Contracts, Good Pensions Slate is about.

When Will They Tell Members?

Central States Fund Trustees Keep Pension and Health Care Cuts In Place

Hoffa's PR Man dismisses the impact of the trustees' actions: "Leebove said the changes at Central States and other pension funds should not be looked at as benefit cuts, since no accrued benefits were lost. Instead, he said, they represented reductions in future accruals that were designed to ensure the trusts are financially solvent for years to come."
Bureau of National Affairs
November 9, 2005

The Union Trustees of the Central States Pension Fund have announced an agreement with employers and the IRS that will lock the 2003 pension cuts in place for years to come. Even worse, this deal will usher in more healthcare reductions—and lower wage increases when contracts are renegotiated.

Cuts Are Frozen in Place

At a Nov. 8 meeting of union officials, International Vice President and Trustee Chairman Fred Gegare told stunned officials that union trustees have agreed:

- to maintain a long term freeze in the cuts to the Central States pension accrual rate
- to not restore 25- and 30-and-out, which have been eliminated for younger Teamsters, and
- to divert health and welfare money for 2007 to the pension fund, which will mean more cuts in medical benefits for Teamsters and retirees.

In addition, the Fund will require that all future contracts will have to include an increase in pension contributions of 7 percent in each year of the contract. Negotiating these huge hikes in pension contributions will divert money from wage increases and medical benefits—but Teamster members will see no pension improvements in return because our trustees have agreed not to increase the pension multiplier or restore 25- and 30-and-out benefits.

Over a month has passed since the meeting and members still have not received any information. This is our fund and our benefits that are at stake. But once again, the union trustees are keeping members in the dark.

"It's time to fire the Trustees who are better at excuses than managing our pension fund."

No Accountability Is the Problem

The Hoffa administration keeps dragging out the same tired excuses. The stock market declined in 2000-2001, retirees live longer now, and there are more retirees than active members.

Is any of this big news? These are well-known facts. The reason we have Trustees is to manage these challenges—not to use them to justify cuts in our benefits.

TDU commissioned a comparison with other Teamster Funds, which showed that funds with the same demographics, and the same ratio of active Teamsters to retirees have weathered the "perfect storm" much better.

Instead of excuses, we need a positive plan to build up our pension fund and restore and protect our good pension benefits that all Teamsters can be proud of.

It's time to fire the Trustees who are better at excuses than managing our pension fund.

Those characters need to be replaced. If our trustees won't step down, then we need to put them into retirement by electing new leadership in the 2006 International Union election.

A longer version of this article can be found at www.tdu.org.

Apples and Oranges, or Just Rotten Apples?

Study Counters Central States' Claims

Teamster members have pressed hard but never gotten a satisfactory answer to one question: why has the Central States fund cut so deeply when other Teamster funds continue to provide superior benefits?

"Apples and oranges" fund and IBT representatives claim, yet they have refused to state exactly what differences exist. And they have refused to provide the information needed to conduct an independent actuarial study of the fund.

Working with a pension fund specialist, the Central States Pension Improvement Committee (CSPIC) has assembled a factual comparison showing that the Central States claims are false.

This study was compiled with help from Professor Teresa Ghilarducci of Notre Dame University. Dr. Ghilarducci is an economist who specializes in pension research. She testified earlier this year before Congress regarding pension legislation.

An analytical grid was assembled comparing six large Teamster pension funds on a number of factors. It indicates that, contrary to the propaganda from the Central States Trustees, that fund falls pretty much in line with other major funds. *Yet Central States has made drastic cuts and now locked them in place for years to come.*

The pension funds compared are: the Chicago Local 705 Fund, the New England Fund, the Upstate New York Fund, Western Conference Fund, the Virginia Fund, and the Central States Fund.

Consider two important factors that Central States propaganda often refers to.

First, the ratio of active workers to retirees. Research shows that the ratio of beneficiaries to actives for four of the funds is 1.6 or 1.7. Central States does not have an unfavorable ratio compared to these funds; in fact, it has a better ratio than the Virginia Fund, which pays superior benefits.

This 1.6 ratio is not the same as the ratio of retirees to active Teamsters, because it includes anyone who could conceivably be entitled to any pay-out, even a former Teamster with just five years credit. The ratio of retirees to active Teamsters is actually 1.3.

The funding ratio is another factor referred to by Central States. Five of the funds are in the range of 51 percent to 75 percent funded, with Central States falling in the middle at 60 percent. A fund does not have to be fully 100 percent funded in order to be healthy. Funds that are at or below the Central States ratio have not cut benefits or not cut them so deeply.

Overall, the comparison grid shows that Central States is not so very different from other Teamster pension funds. They have the same employers, the same demographics, the same ratio of retirees, and a similar funding ratio.

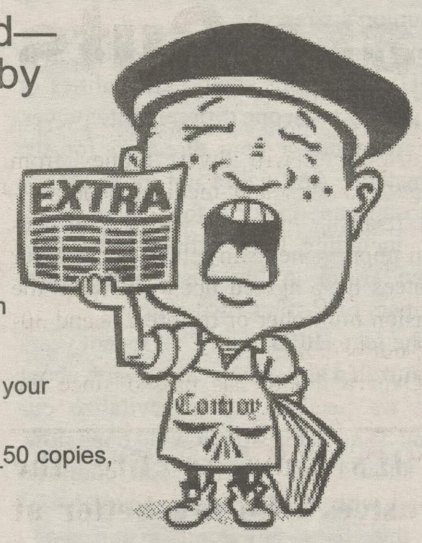
The Central States Trustees (and IBT officials) have taken a different posture, making the most terrible cuts in pension accruals and medical coverage, and eliminating 25- and 30-and-out for the future.

They need to be held accountable for their actions and for their lies. They should make available valuation and other information needed to do a full independent audit of the fund.

Note: If you would like a copy of the analytical comparison grid, contact TDU. We will attempt to update it as the latest 5500 reports become available.

Spread the Word!

Keep everyone informed—order *Convoy Dispatch* by the bundle!



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(313) 842-2600. Fax (313) 842-0227. tdu@tdu.org

Battle Against Cut-Back Provision Will Move Into 2006

In November, the Senate passed a version of pension reform that did not include provisions for cutting accrued benefits. That was a positive step forward in a battle that has largely been waged by two groups, the Pension Rights Center and th grassroots Central States Pension Improvement Committee (CSPIC).

Local 391 Retiree Frank Bryant is a leader in the fight for real pension reform.

In December, James Hoffa came out in opposition to the "Red Zone" cut-back amendment, at least in writing, after supporting it for most of 2005.

On Dec. 15 the House of Representatives took up their own version of pension reform for a vote. The CSPIC steering committee faxed letters to Congressional Representatives, opposing the bill if it included the Red Zone amendment. The Pension Rights Center also lobbied against the House version. It is not known what, if anything, the IBT did.

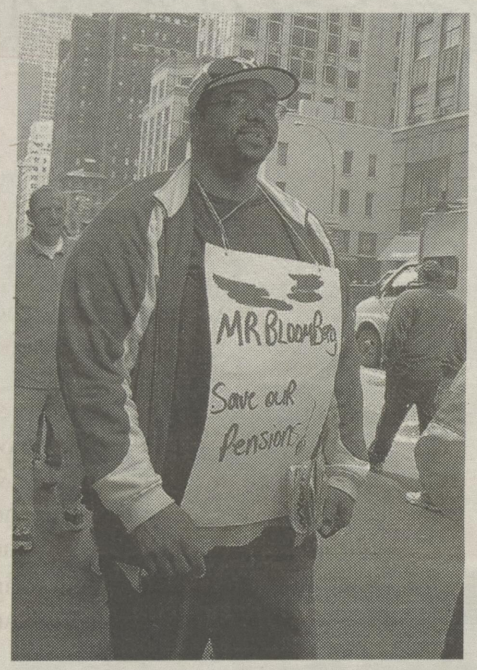
The House passed the bill and it contains cutback provisions. The Senate version does not contain the Red Zone amendment. CSPIC leaders and some Teamster local officers visited Senators and staff earlier this year to help make that happen. The battle will now move into conference committee, with the Senate and House working out differences between the two bills.

This will not start until after the Congressional recess, in late January or early February.

"CSPIC will help get word out to Teamsters once we know who is on the conference committee," Local 391 retiree Frank Bryant said. "We will need to push hard one more time to prevent this dangerous provision from being included in so-called reform legislation."

We urge Teamsters to write your Representatives and Senators: oppose the Red Zone amendment that would allow pensions and already-earned pension credits to be cut. Those protections have been federal law since 1984. Weakening them is no way to protect the pensions of Americans.

Members Speak Out on the 2006 Teamster Election



"When Hoffa hiked our dues, he said the money would go for organizing and winning strikes. That was a big lie. Nonunion companies are killing us in the moving industry in New York and we've gotten no help from the International.

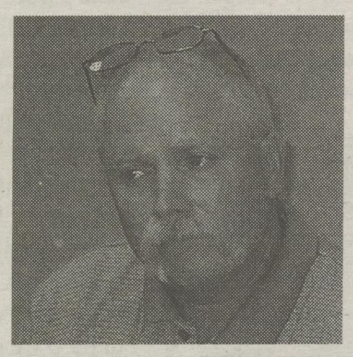
"When we went on strike last summer, hundreds of Local 814 Teamsters signed a petition asking Hoffa for strike support. He didn't even bother to respond. We ended up with concessions and pension cuts.

"I'm supporting Tom Leedham because we need IBT leadership that will help Teamsters in all industries win strong contracts, protect our pensions and organize the nonunion competition. Hoffa is 0 for 3 on that front. It's time for change."

Walter Taylor
Local 814, Commercial Mover
New York City

"I'll hit 30 years as a freight Teamster next year and I was planning on retiring with full medical coverage. Hoffa's pension cuts put an end to that.

"A lot of Teamsters are in the same boat as me but not the old guard officials that Hoffa is the front man for. Their multiple pensions are secure. Tom Leedham will fight for working Teamsters on the issues that matter to us most—strong contracts, good pensions and a clean union."



Wayne Seale
Local 988, Roadway
Houston

"In Chicago Local 705, we're worried about who's going to head up the UPS and freight negotiations in 2008. We can't afford another 'Best Contract Ever.' We're proud of our local leadership but we know we can only go so far without a strong International.

"We know from experience Hoffa is not a strong leader. Tom Leedham is a tough, proven negotiator who comes from the rank and file. He will listen to the members and take on the employers in the 2008 negotiations-not settle short."

Craig Karnia
Local 705, UPS
Chicago

Teamster Viewpoint

After the Hoffa Split:

Forging Alliances Based on Plans, Not Personalities

Frank Halstead
Local 572, Ralphs Grocery
Los Angeles

The Hoffa Unity Slate is cracking into two. More and more members are seeing that we won't stop the decline of Teamster power until we change our union's leadership at the top. Now, even members of Hoffa's own team are realizing the same thing.

Hoffa, the candidate, promised to restore Teamster power. But when the Hoffa train left the station, his platform stayed behind. Instead of restoring the power, Hoffa has focused on managing the decline of Teamster power. Under this approach, we're always on the defensive, always making contract givebacks or accepting benefit cuts, never mounting a fight.

As Tom Leedham said in a recent speech, "Hoffa isn't about power, he's about the illusion of power." But after seven years, the PR and press releases aren't cutting it anymore.

There's a lesson to be learned from the unmasking of the weak corporate lawyer behind the Hoffa celebrity mystique. In choosing our next General Executive Board, we can't make our decision based on promises or personalities. We need to elect leaders with clear plans for building our union's strength.

In Teamsters for a Democratic Union (TDU), we're not about personalities or just getting someone different into power. We are about a new direction for the Teamsters. And we're not alone. Many Teamsters are looking for a new direction, including local officers who supported Hoffa in the past—and former members of Hoffa's own slate.

The fake Hoffa "unity" of recent years has muzzled any serious discussion about what we need to do to revitalize our union. That discussion is wide open now. We should be looking for common ground with all Teamsters regardless of who they have supported in the past—provided that we can agree on a common vision and plan for the future.

As we chart our course going into the coming election, we should be flexible about alliances but firm on our principles. Those principles include:

- Opposition to the pension and health cuts that the employers pushed on our benefit plans. We will support a leadership with a record and plan to fight to restore and protect Teamster pensions.
- Accountability of pension fund trustees to Teamster members and retirees. Full disclosure to the members, not closed-door deals with employers.
- Leadership to win strong contracts, by tapping rank and file power and using smart strategies to combat union-busting. In 1997 the Teamsters Union mobilized UPS members in a year-long campaign and we won. In 2002-2003 the Hoffa administration never mobilized the ranks. Hoffa claimed to bargain the "best contracts ever" and lied about the benefit cuts those contracts made inevitable.
- Organizing the nonunion competition in Teamster industries. The IBT should provide financial help to local unions that put in place real organizing programs. And we should build on the successful organizing strategies of the 1990s when Teamster members, hired as organizers, reversed the decline in Teamster membership and started to grow our union again.
- End the financial waste and multiple salaries and political patronage. Put funds into programs that build Teamster power, not perks. And put in place a real plan to root out Teamster corruption.
- Promote Teamster membership involvement, through accountability, democracy and respect for all members. Promote a diverse leadership, and involve members of all races and backgrounds in our union structure.

Those of us in TDU will look at leaders who come forward with an open mind. We'll evaluate leaders based on their commitment to a clear program to build Teamster power. The leaders who will stand and fight for such a program are the right leaders for the future of the union.

The fake Hoffa "unity" of recent years has muzzled any serious discussion about what we need to do to revitalize our union.

Petition Drive Makes Tom Leedham an Official Candidate

Members Back Tom Leedham Candidacy

Tom Leedham will soon be the only officially accredited opposition candidate for Teamster General President—thanks to a member-to-member effort by Teamster members who collected more than 55,000 signatures in just four weeks.

"The response was incredible," said John Youngermann, a Local 688 UPS Teamster who collected signatures in the St. Louis area. "Members were lining up to have the chance to vote against Hoffa and for International leaders who will fight for us. Even former Hoffa die-hards wanted to sign."

Members collected 20,000 more signatures than were required by the Election Rules to accredit the Tom Leedham Strong Contracts, Good Pensions Slate. As a result, Teamster members will get to hear from the Leedham Slate in the campaign battle pages in the February issue of *Teamster Magazine*.

The fact that it took less than four weeks to collect the signatures shows two things. First, Teamster members are hungry for change. And second, the Leedham Campaign is building the grassroots network of Teamster volunteers that will be needed to win the 2006 Teamster election.

Now volunteers are turning their attention to the next steps in the campaign, including Convention Delegate races, fundraising and spreading the word about the Tom Leedham Strong Contracts, Good Pensions Slate.

Time to Step Up

"Hoffa's team is splitting apart, just as the Tom Leedham Campaign's grassroots network is coming together," said Chris Roos, candidate for Eastern Vice President. "This election is ours to win. It's time to step up. Every Teamster that wants positive change needs to know this is your chance to get involved and make it happen."

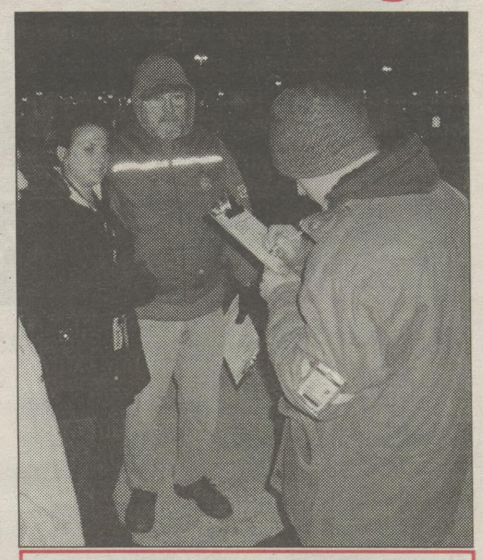
Convention Delegate Elections: The elections for Teamster Convention Delegate are the next critical challenge. Delegates will officially nominate candidates at the IBT Convention in late June. The Leedham Campaign needs supporters to run in these races to put the Strong Contracts Good Pension Slate on the ballot and to support positive changes at the Teamster Convention.

Most locals will be holding their nomination meetings in January (some in February) so the time to act is now. Call TDU or the Leedham Campaign for information and assistance.

Spread the Word: Informing members about the election will be up to Teamsters like us. You can help by passing out flyers and information. Make sure you get on the Leedham Campaign mailing list and email list to receive regular updates and campaign materials.

Build Campaign Events: Slate members will be hitting the road to talk about their plans for the future of the Teamsters Union, in a series of upcoming campaign events. Get involved by attending or hosting a campaign meeting in your area. Contact the campaign for details.

Build the Campaign Warchest: The Leedham Campaign will also be launching a drive to raise $100,000 by the end of January as the start of a larger warchest. Funds are needed to finance travel for candidates and to reach the 1.4 million Teamsters. Donate online at www.leedham2006.org or send a check to Leedham Campaign, 1863 Pioneer Parkway East #217, Springfield OR 97477.



Louisville Teamsters Go for Leedham

UPSers in Louisville were among the more than 55,000 Teamsters who signed the petition to officially accredit the Tom Leedham Strong Contracts, Good Pensions Slate as candidates in the 2006 Teamsters election.

Before the petition drive, Louisville Teamsters scored a major victory when the United Rank & File Slate swept all 27 delegate and alternate positions in the Convention Delegate election in Local 89–defeating Hoffa's Carhaul Director Fred Zuckerman.

The vote was the the biggest delegate race held to date. Local 89 is the fourth largest local in the Teamsters Union.

The Strong Contracts, Good Pensions Slate will need the backing of 5 percent of the delegates at the Teamster Convention in June to be officially nominated. Teamster locals across North America will be electing delegates in balloting to be held from January to March 2006.

Hoffa 'Dis-Unity' Slate Splits

Tyson Johnson Leads Hoffa VPs in Breakaway Slate

James Hoffa's so-called "Unity" Slate split into competing factions as Tyson Johnson announced his candidacy for Teamster General President. Johnson is the Director of the Freight Division and an IBT Vice President from the Southern Region. Other Hoffa-slate Vice Presidents are reportedly joining the breakaway effort.

Johnson announced his candidacy in a letter to Hoffa on December 12. He and Central Region Vice President Phil Young have been working to recruit other International Vice Presidents and Teamster officials to their slate. Among the IBT Vice Presidents who have joined the Johnson effort is Tom O'Donnell, who previously announced he would challenge Hoffa for the presidency himself.

Hoffa is apparently trying to patch up the rift. His PR man, Richard Leebove, dismissed the whole thing to reporters on December 15, three days after Johnson faxed Hoffa of his candidacy, as "only a rumor."

The breakup of the Hoffa "Unity" Slate is a damaging blow to Hoffa who has depended on the united support of most Teamster officials to deliver the vote. Now that unity is fracturing at the highest levels of our union-and among local officers as well.

The president of New Jersey Joint Council 73, Don DiLeo, has joined the Johnson effort shortly after declaring his candidacy for Eastern Region Vice President.

"The Teamsters do not need and should not be influenced by non-Teamsters, outside consultants, etc."—a reference to Greg Tarpinian, the consultant who has become Hoffa's leading strategist and a lightning rod for Teamster officers who resent the IBT's arrogant, top-down approach to locals. Seventy percent of Joint Council 73 members' votes went to Hoffa in 2001.

Another former Hoffa supporter, Eastern Region Freight Director Danny Virtue, the president of Harrisburg Local 776, is also involved. More officers are expected to follow, draining votes out of the Hoffa camp.

One International Vice President who is sticking with Hoffa said that "Leedham and TDU must be ecstatic today."

"It's increasingly clear to Teamster members and officers alike that our union needs a different direction to stop the decline of Teamster power under Hoffa," said Tom Leedham, candidate for General President on the Strong Contracts, Good Pensions Slate.

"We'll be looking for common ground with all anti-Hoffa forces. And we'll continue to build our campaign to rebuild Teamster power, win strong contracts and good pensions, and organize the nonunion competition," Leedham said.

Teamsters for a Democratic Union wins new election rule:

Teamster Candidates Will Debate

Teamsters will be able to judge the candidates for Teamster General President in a debate to be held in late August 2006, thanks to a proposal by Teamsters for a Democratic Union that is going to be made a part of the IBT Election Rules.

The debate will be overseen by the independent Election Supervisor, and will be recorded and distributed (presumably on DVDs) to Teamster members. We are hopeful that it will be mailed to all members, by far the most effective way to reach members and encourage more Teamsters to vote.

TDU attorney Barbara Harvey put forward the proposal to amend the rules, and argued for it at a hearing before Judge Loretta Preska, who then directed the U.S. Attorney and the IBT to negotiate the terms of a debate.

There is one weak point in the proposed final debate rule which TDU is working to change: a candidate for General President can send his Secretary Treasurer running mate as a stand-in. TDU made a submission to Judge Preska asking that this single part be changed, so that members can see the actual candidates, and not a stand-in. A final decision is expected soon.

Hoffa's attorneys pushed for the stand-in clause. In 2001, Hoffa waited until the last minute to chicken out of his scheduled debate with Tom Leedham. This time, he's got attorneys working on an escape route a year in advance!

Teamster members deserve to have a real debate between the candidates, to help make an informed decision on the future of our union. Fortunately, we have TDU to make it happen.

Get the word out! Distribute *Convoy Dispatch*. Monthly bundles come in sizes from 10 copies ($4/month) to 100 copies ($13/month) or more. To order or for more information: **(313) 842-2600.**

Ask the Teamster Troublemaker

Merger Mayhem

"Rumor has it that our local officials are looking to merge our local. Do members get a say? Do they have to let us vote?"

Merger Mayhem in NYC

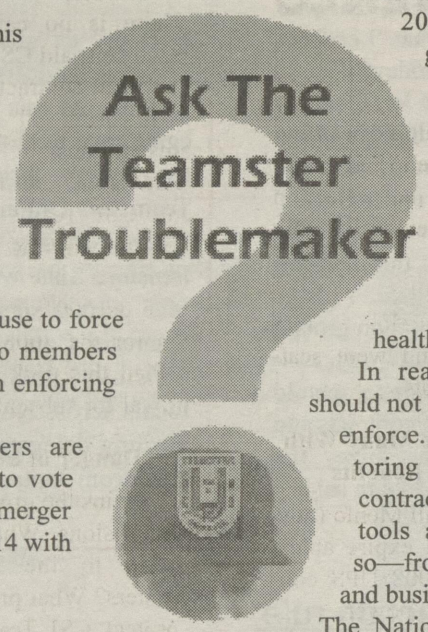
Dear Mayhem:

Thanks to the Teamster reform movement, virtually all Teamsters facing a merger are constitutionally entitled to a vote. Article IX, Section 11 of the Teamster Constitution requires a referendum vote of the members of the merging local except under narrowly defined exceptions.

The only circumstances under which the International can force a merger without a vote is if a local is "not capable of performing its representational functions, due to its financial conditions or where an emergency situation exists within the Local Union."

TDU fought for this right for years and proposed it at Teamster Conventions. It is in the IBT Constitution, but the Hoffa administration may try to use the exception clause to force unwanted mergers, so members need to be vigilant in enforcing this right.

Postcript: Members are now using this right to vote to fight the proposed merger of Teamsters Local 814 with Local 810.



Screwed on Seniority

"My local represents employees who work in the trade show industry in Boston. Our contract clearly states that management has to give preference to workers 'with relevant trade show experience prior to April 1, 2003.' Management has been ignoring this language and hiring whoever they please—and our union officials have taken no action. In the meantime, Teamsters with seniority are sitting at home. Is this contract language legit and what can we do to enforce it?"

Screwed on Seniority in Local 82

Dear Screwed:

The contract language you've cited is absolutely enforceable. In fact, it is the standard language that Teamster locals with referral halls use to protect union hiring rights in the face of anti-labor laws that make it illegal to require union membership as a condition of hiring.

When your employer ignores that language and bypasses experienced Teamster trade show workers to hire individuals without relevant trade show experience prior to April 1, 2003, management is violating the contract. Any Teamster with relevant experience before April 1, 2003 who is passed over in favor of a person who lacks such experience has a winnable grievance.

Individuals who want to enforce this contract language should keep a log to document that they presented themselves as available for work and were passed over for individuals who don't have relevant experience before April 1, 2003. They should file a grievance that states the day they were passed over and, if possible, who they were improperly passed over in favor of. The appropriate "make whole" remedy would be a day's pay plus pension and health and welfare credit.

In reality, language like this should not be left up to individuals to enforce. Local 82 should be monitoring hiring and policing the contract. Your local union has tools at its disposal for doing so—from the chief shop steward and business agents to federal law. The National Labor Relations Act requires your employer to turn over its hiring records to Local 82 upon request.

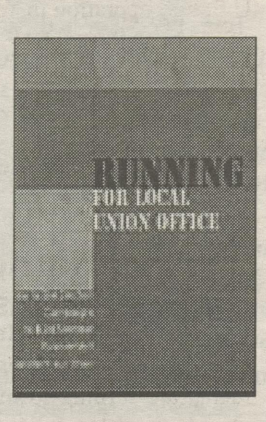
Who is the Teamster Troublemaker?

Employers are quick to label any Teamster who sticks up for the contract or questions management's authority as a "troublemaker." *Ask the Teamster Troublemaker* is a column dedicated to spreading the information that "troublemakers" need to enforce members' rights and build a stronger Teamsters Union.

If you have question or comment for the Teamster Troublemaker, call TDU at (313) 842-2600 or email us at info@tdu.org.

Running for Delegate?

Running for Local Union Office



This 85 page booklet covers all of the key steps in running a winning union election campaign, from start to finish. $10 each.

Whether it's delegate races or officer races, *Running For Local Union Office* is a must-read for rank and file members wanting to use the electoral process to bring reform.

Please send me _____ copies of *Running for Local Union Office*. (Enclose $10 for each copy ordered.)

Name _____ Local _____

Address _____

City _____ State _____ ZIP _____

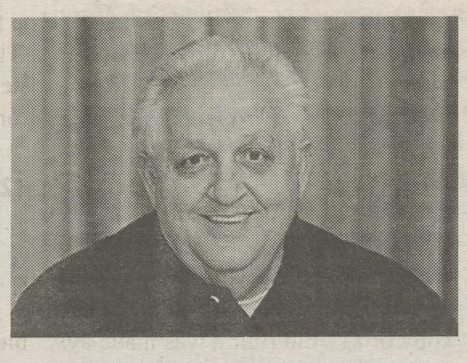
❑ Check or money order enclosed

Mastercard/Visa # _____ Exp. Date _____

Date _____ Signature _____

Mail to: TDU, PO Box 10128, Detroit Mich. 48210
For more books or info: (313) 842-2600 or www.tdu.org

Local 549 President T.C. Bundrant defended the right of the members to stay in their local union when the Hoffa administration wanted to split them up in retaliation for Bundrant's position on the Tom Leedham Strong Contracts, Good Pensions Slate.



Hoffa Administration Attempts Retaliation

Insurgent Local Puts Members Before Politics

On Nov. 15 some 150 Teamsters at Land-o-Sun Dairies in Virginia, North Carolina and Georgia won the right to stay in their preferredlLocal union, stopping International Vice President Fred Gegare from a power grab against Local 549.

The IBT Election Supervisor and the Appeals Master ruled decisively that Gegare transferred these Teamsters, without even consulting them, to five other locals in retaliation against their local president for his participation in the Tom Leedham Strong Contracts, Good Pensions Slate.

Local 549 President T. C. Bundrant, who is running for International Vice President on the Leedham slate, stated "This is a win for these dairy workers, who deserve good Teamster representation. Politics should have no part in representing our members. This kind of attack on locals has to end, and it's one reason I'm running for International office."

Appeals Master Judge Kenneth Conboy noted the "bogus nature of the three purported non-retaliatory reasons given for the raid on Bundrant's membership" in ruling that the members be promptly returned to their home local union, based in Kingsport, Tenn.

UPS & Downs

DHL Loses Business Due to Hub Problems

September was a cruel month for DHL. It turns out that severe problems at their U.S. hub operation in Wilmington, Ohio cost the company some $280 million worth of annual volume. DHL disclosed the news at a recent meeting with investors. This may account for the growth UPS and FedEx reported in their overnight express business. DHL reports that service rates have since improved and they plan to raise shipping rates in 2006. Meanwhile, DHL's parent company, Deutsche Post, reported doubling its third quarter profits and announced the purchase of the British logistics company Excel.

Second 'Hurricane' of Overtime and Challenges Hit UPS Teamsters in New Orleans

New Orleans area Teamsters are being pressed to work 11 to 12 hour days, day after day, now that operations are up and running. With most stores still closed, residents are turning to the Internet in droves to purchase much-needed goods. This phenomenon has pushed up package volume at UPS at the same time that some of the workforce has yet to return.

"It is worse than peak season," one Teamster wife explained. "My husband leaves the house at seven a.m. and is not back until eleven p.m. each day." Recently, UPS management demanded that drivers work Saturday as well. When told that driving so many hours in a week would be dangerous management said, fine, we'll have you work as helpers and get someone else to drive.

Drivers are also contending with other challenges, such as replacement rental trucks that are not set up like package cars, few restaurants open for lunch breaks and an overall attitude on management's part that since UPS paid workers when no work was available, the workers now owe UPS and should put up with anything asked of them.

Freight Lines

'Grading' Loads at Yellow: a Teamster Job?

Loads out of Yellow's Chicago breakbulk come complete with a form asking Teamsters on the other end to grade the trailer on a 1-5 scale with words like "unacceptable," "needs concentrated effort," and "exceeds requirements," on use of dunnage, perfect cube, and other factors. The form is signed at the bottom not by management but by the Local 710 stewards. The issue is raising eyebrows. Is it a union job to give grades to our brothers and sisters from other terminals? Teamsters don't need a report card to take pride in our work.

Michigan Panel Jeopardizes Personal Days

Looks like freight Teamsters aren't going to have to wait for contract time for another give-back. In November, the Michigan grievance panel ruled in favor of Roadway on a Detroit Local 299 grievance regarding the denial of a requested personal day. A "1980 black book decision" was apparently cited for the ruling. No copy of this old ruling was made available to the union steward when the decision was rendered. Are companies free to refuse reasonable requests for a personal day based on their staffing needs? We hope not. Teamsters can't collect on an unused personal day at the end of the year.

New Dress Code at Yellow

Regulations are being implemented at Yellow covering clothes, grooming and appearance of city drivers. Drivers must wear the company-provided uniform. According to a Dec. 8 memo at the Cleveland terminal: no hair below the collar, only two earrings per ear, no offensive tattoos, neatly trimmed beards, and be sure to tuck that shirt in. Article 12 of the NMFA allows employers to implement "reasonable standards" for appearance; it is not clear if the IBT Freight Division has signed off on Yellow's new rules. Since this affects thousands of Teamsters' working conditions, the IBT leadership should wake up and get involved.

ABF Hits High Mark

ABF had its best quarter in 25 years. Profits were up 12.5 percent from third quarter 2004, and their operating ratio was 88.5 percent for the third quarter.

CEO Rakes It In Following Record Third Quarter

Bill Zollars, CEO of Yellow Roadway, is all set for Christmas shopping this year. Just before Thanksgiving Zollars filed for the sale of 100,000 shares of his Yellow stock for $5.6 million. "Dollar Bill" made the move shortly after Yellow Roadway reported a record third quarter with profits of $85.3 million. It also came just weeks after Roadway announced a 10 percent layoff of Teamsters throughout their system.

Contract 2008: The Fight for Safe Jobs and Good Benefits Begins Now

Dan Scott
Local 174
Secretary-Treasurer
Seattle

In 2006 we will be just one year away from the campaign needed to win a new UPS contract. It is not too early to start discussing plans for contract 2008.

In the past several years UPS has mounted an unprecedented attack on working conditions, job security and benefits.

Work hours, stop counts—and injuries—continue to rise. UPS ignores 9.5 contract language that was meant to protect package car drivers. Subcontracting chips away at feeder jobs and the epidemic of supervisors working must be dealt with forcefully.

At the same time, UPS is growing its nonunion divisions, creating a sphere of operations that threatens the security of good Teamster jobs.

Last but far from least, UPS has advanced its plans to attack good Teamster pension benefits. The 2008 contract will be a battleground over the future of retirement security.

We have to be ready for each and every one of these challenges. The fight for safe jobs and good benefits begins now.

Will UPS's New Divisions Be In National Contract?

When UPS bought Menlo Forwarding it gave our union the chance to bring hundreds of Teamsters under the protection of the UPS Master Agreement. Menlo was a stepchild of the freight contract. Though doing essentially the same work as freight Teamsters, Menlo workers made significantly less and were scattered under local agreements.

Local Agreements Leave Many With Low Wages & Poor Benefits

The good news is that all Menlo (now called CSI) contracts will expire at the same time as the 2002-2008 UPS contract, enhancing bargaining power.

The less than good news is although Menlo/CSI Teamsters now work for highly-profitable United Parcel Service, their wages and conditions will continue to be set by the inferior local contracts.

For example, wages for Menlo workers under one of the best contracts, in Chicago, are just under $21.00 per hour. Wages under other contracts are well below that figure and in some cases ten dollars behind UPS wage rates.

Under the new UPS-CSI Supplement, wages will continue to be set by dozens of local agreements. One result: the number of wage rates at UPS will now balloon even further. Menlo CSI workers will get three-percent annual wage increases. Likewise, benefits will continue to be tied to whatever was in the old local contracts.

There is no catch-up provision to bring lower-paid CSI Teamsters closer to the national contract scale, and no provision to bring all employees into our Teamster plans.

The real battle for parity for Menlo/CSI Teamsters has been postponed and will now take place during the 2008 bargaining.

The $1,000 signing bonus is a bad omen for the 2008 UPS contract. UPS has tried this trick in years past to win approval for substandard agreements.

Danger of Subcontracting

CSI joins the growing constellation of UPS divisions. What exactly is its relationship to the UPS that employs Teamsters? What protections are in place to protect CSI Teamsters from loss of work to nonunion operations? CSI is actually a vendor for UPS Supply Chain Solutions (SCS). One manager referred to CSI as only a "preferred vendor," which means that SCS is free to switch to others.

This fear is real: the agreement exempts CSI units from protection under subcontracting protections in Articles 1and 32 of the master UPS agreement.

It appears that James Hoffa and Ken Hall have failed to use the power of our union to win strong contract protections for Teamster members and to extend the UPS national contract to new UPS divisions. That challenge lies ahead.

$12 Per Hour Carhaulers in Detroit

New 'Addendum' for Allied Teamsters

Detroit Local 299, the largest carhaul Local in the US, has signed a 90-day Supplemental Addendum which allows Allied System to use $12 per hour non-union labor to deliver cars to dealerships in Southeast Michigan.

Allied's Teamsters are not exactly happy with the idea, especially since Local 299 has apparently signed a deal which violates the contract and not even allowed Teamsters to vote on it. We would also like to know if Carhaul Director Fred Zuckerman has approved it.

The argument in favor is that Allied doesn't have enough equipment to deliver GM's cars in the Detroit area, so supplemental drive-away help is needed. But in some areas, drive-away employees make nearly $21 and get union benefits.

This deal provides for $12 per hour and "only those benefits provided for under current State and Federal laws," which means none at all. And they will not be union members, though they will pay a $24 per month fee to the union, and Allied will make payments to the pension fund.

If Allied Teamsters are laid off elsewhere, what about their right to do this work, at union scale?

While the rider is temporary, concessions have a way of becoming permanent, once the employer takes a liking to them.

Carhaulers should beware of this new concession, and also beware of Teamster officials who condone it.

Labor Shorts

Rail Rank and File Take Initiative

The officers of Brotherhood of Locomotive Engineers and Trainmen Division 316 in the Teamsters Rail Conference are taking advantage of a seldom-used provision of their constitution to try to establish direct elections of National BLET Officers. On October 18, the division notified BLET National President Donald Hahs that it had mailed the proposal to the secretary-treasurers of all 525 divisions in the BLET. If divisions representing 25 percent of the total membership vote in favor of the proposal, then Hahs is bound by the BLET constitution to mail ballots to every active member. If the BLET rank and file were to pass such an initiative, then the election of BLET National Division officers would switch from the current delegate system to one-member-one-vote.

GCC Vacancies Filled Without Vote

The Executive Board of the IBT's Graphic Communications Conference have passed a resolution to circumvent the constitutional provisions for filling vacancies in office and instead made appointments to fill the positions of Secretary-Treasurer and Mountain Region Board Member. They have also decided to leave vacant the office of Vice President that was held by Lawrence Martinez, who recently retired. Instead, the duties performed by Martinez will be given to former International Rep Joseph O'Connor. His new title is Executive Assistant to the GCC president. According to the Conference's newspaper, *The Graphic Communicator*, the appointments are designed as an interim solution to save money that would otherwise have been spent on an election conducted in accordance with the constitution. The GCC holds its next convention in June 2006, where delegates are expected to take up the issue of the future method of filling vacancies. In the meantime, many members are left wondering what other constitutional changes may be coming down the chute—before the convention and after.

Drive to Organize Auto Truck Transport Fails

The International Union lost the organizing drive at Auto Truck Transport by a vote of 946-338 to the existing union, the International Association of Machinists. ATT is a spin-off of Active Transportation; together the two companies haul most of the heavy trucks in North America. Active is Teamster organized under the carhaul contract.

The IBT had made this campaign a major priority: they assigned over a dozen organizers to it, and predicted victory. The mail ballot conducted by the NLRB was counted on December 14.

Tyson TDU Members Win at Supreme Court

Ruling means millions for meatpackers

TDU members who filed a class action lawsuit against Tyson Foods have won a landmark victory at the Supreme Court that will put millions in the hands of more than 800 meatpacking workers and help tens of thousands of poultry workers win litigation for unpaid wages.

In the first decision of the court under the leadership of Chief Justice John Roberts, the Court cleared the way for 815 Tyson employees to receive $7.3 million in a class action suit originally filed by TDU members in Pasco, Wash. in 1998.

In a unanimous decision, the court ruled that workers should be paid for the time it takes them to put on their protective clothing and walk from the locker room to the production line. Previously, Tyson management saved millions of dollars by forcing workers to do this work off the clock.

The case was closely watched by organized labor and big business alike. The victory means that tens of thousands of poultry workers will likely succeed in two nationwide class action cases that are now pending against Tyson.

The Supreme Court victory also paves the way for workers to collect an additional $11.4 million in unpaid wages that they were awarded in 2004 in a second class action lawsuit against Tyson. More litigation is expected.

"It took a long time, but it was worth the wait just to show that workers can win when we get together," said Maria Martinez, a Teamster and TDU leader who was the main organizer behind both lawsuits.

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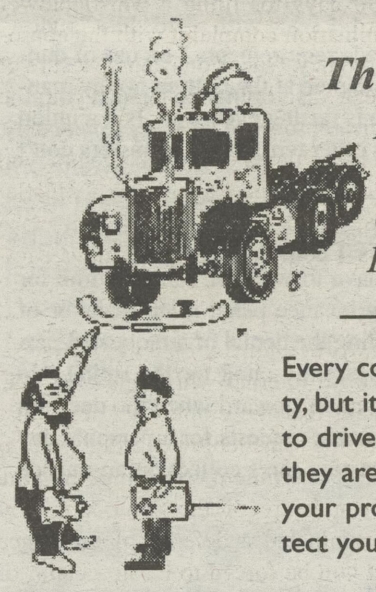

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When Employers Violate Laws and Contracts

KNOW HOW TO BLOW THE WHISTLE

Paul O. Taylor
Attorney at Law

Blowing the whistle on illegal or unsafe corporate business practices is powerful, sometimes rewarding, but not always easy, and rarely without consequences. Preparation and knowledge are the key elements of a successful whistleblower claim. The purpose of this article is to provide you with practical and general guidelines for those who have decided to do what is right and risk possible retaliation.

What is Whistleblowing?

Generally speaking whistleblowing includes the following:

A. **Making *good faith* complaints to governmental officials about violations of the law by your employer.**
B. **Testifying in a proceeding related to violations of the law by your employer.**
C. **Refusing to violate a law or regulation.**
D. **Opposing an illegal practice by your employer.**

Working Within The System

The first place for a whistleblower to start is within the system by making the employer aware of illegal and/or unsafe working conditions. This should be done in writing.

Rule Number 1 when blowing the whistle: **Make sure your employer knows that you are the whistleblower**. If the employer retaliates, it cannot claim that it did not know you were the whistleblower if you have let it be known from the beginning.

Rule Number 2 when blowing the whistle: **Follow company policy first, if possible, safe and legal**. While employers cannot legally discipline employees for protected whistleblowing, nothing prohibits employers from disciplining workers who fail to follow safe and legal work rules. Follow company policy for reporting these hazards, before taking more drastic actions by complaining to governmental authorities, to help avoid discipline.

Going Outside The Company

The boss may not listen to any suggestions or will not answer any questions because even he is not allowed to deviate from established corporate work methods. When making a complaint to the government, it is important to know which federal or state agency to which you should submit your complaint and the deadline by which you must file your complaint under applicable statutes of limitation. As we hear from the train car full of salesmen in The Music Man, "you gotta know the territory."

There are more than 40 federal statutes that have employee whistleblower protections for complaints ranging from sexual harassment to environmental protection. More than 15 federal agencies handle different types of whistleblower cases. If your complaint involves whistleblowing concerning discrimination in the workplace on account of age, sex, race, religion or pregnancy, then your complaint should be made to the Federal Equal Employment Opportunity Commission. If your complaint involves discrimination for having made internal or governmental complaints concerning workplace safety, environmental damages or commercial vehicle safety, then you should file with Federal OSHA. If your complaint involves discrimination for whistleblowing over actions in violations of federal labor statutes, you should file with the National Labor Relations Board.

The time limits for filing complaints with the government concerning discrimination for having "blown the whistle" on your employer are relatively short. Some statutes of limitation provide a period of only 30 days for filing a whistleblower discrimination complaint with the appropriate agency. Once you become aware of the illegal discrimination against you, file with the appropriate agency immediately. If you have filed a grievance alleging you were discriminated against for whistleblowing, do not wait until the grievance process is completed before filing a complaint with the appropriate agency. If you wait, the statute of limitations may run out and your complaint may be barred.

As with internal whistleblowing it is important that the employer knows that you are the whistleblower when you go to the government. By making the employer aware of the complaint, you have eliminated a defense of ignorance should you be forced to bring a claim of retaliation. If you file a complaint with an agency alleging unsafe or illegal acts in the workplace, make the complaint in writing, entitle it "complaint" and send or fax a copy of the complaint to your boss. Send it certified mail so that you will have the proof that the employer has seen your complaint. If you fax it to the employer, make sure you obtain a copy of the fax confirmation report. Employers are notorious for having sudden cases of amnesia when you lack proof.

After you have blown the whistle on your employer's unsafe or illegal practices, follow up with the agency with which you filed your complaint concerning the employer's practices. The squeaky wheel gets the grease.

To Tape or Not to Tape

Rule Number 3 when blowing the whistle: **A tape recorder is a whistleblower's best friend**. There are exceptions to this rule. Here is a link to a summary of laws listing those states permitting secret recording of conversations to which you are a part (one-party states) and also those states that require the consent of all parties to a conversation before you can record (two-party states): http://pimall.com/nais/n.tel.tape.law.html. The listing is deemed reliable but not guaranteed.

To some it may appear unseemly to advocate secret tape recordings. I can be kind and say that management officials sometimes have foggy recollection. A hidden tape recorder, used in those states where legally permitted, levels the playing field for the whistleblower.

One warning on this point is in order. Even in states where surreptitious recording of conversations is lawful, an employer may have a policy of disciplining anyone found to have secretly recorded conversations in the workplace.

Avoiding Traps for the Unwary

There are several traps for the unwary that must be avoided at all costs. Rule Number 4 when blowing the whistle: **Do not lie to your employer. He may be secretly recording you.** Lies to an employer have destroyed cases brought by employees who have been discharged for whistleblowing.

This leads us to Rule Number 5: **Do not give your employer a legitimate reason to fire you.** Make sure you come to work on time, hold your tongue with the boss, and otherwise be a model employee (if it is safe to do so) once you have blown the whistle.

When blowing the whistle or refusing an unsafe work assignment, state your case or the basis for your work refusal plainly to your employer, without passion or profanity.

Building A Case

The best whistleblower cases are those have been planned carefully. Sometimes the application of Rule Number 3 (a tape recorder is a whistleblower's best friend) is impossible to follow due to legal constraints or corporate policy. As an alternative to tape recording, witnesses (other employees) are a good substitute. This leads to Rule Number 6 when blowing the whistle: **Foster good relationships with coworkers because you may need them as witnesses.** The best cases that I have handled for employees who have been disciplined for whistleblowing are those where other employees have testified in behalf of my clients. Other cases have been lost because my clients had no such witnesses.

It is also important to follow Rule Number 7: **Keep your cool and do your job when it is safe and legal.** Walking off the job can be construed as job abandonment. Losing your cool can be construed as insubordinate behavior. Whistleblowers need to be clear thinkers.

Documentation is of paramount importance when blowing the whistle on your employer. It is what you can prove, not what you believe, that wins cases. Rule Number 8: **Keep evidence such as photographs, driver logs, calendars, notes, memos and newspaper articles concerning working conditions and discipline.** If a tape recorder is a whistleblower's best friend, then surely a camera is a whistleblower's second-best friend. Photos can document unsafe working conditions, corporate notices on bulletin boards and employee records. Calendars and diaries can memorialize the dates when you complained about unsafe working conditions. Memos and notices issued by the employer can help you rebut corporate lies about your alleged failure to follow corporate policy or work methods. Whistleblowers should be packrats when it comes to work-related documents. You will never know when you might need an old logbook or calendar to prove a point or rebut an employer's lie.

A Final Rule

Each whistleblower must find his or her own path through the mess that sometimes results from whistleblowing. The whistleblower has to balance loyalty to his employer (and sometimes to his coworkers) against the desire to "do what is right." Some employees play it safe and will not rock the boat. Since this article was written for *Convoy Dispatch*, it is safe to assume that those who read this article will not bury their heads in the sand when there is an unsafe or illegal condition in the workplace, whether it is sexual harassment, an unsafe shop, or union corruption. However some work situations do not involve an immediate or clear violation of the law. In such cases, you should follow a final rule for whistleblowers: **Use your knowledge, experience and instinct in choosing which work assignments you will refuse due to unsafe working conditions**.

Paul O. Taylor is an attorney based in Burnsville, Minnesota. He can be reached at 651-454-5800 or through his website www.paultaylorlaw.com.

Building the War Chest - More Needed to Beat Hoffa in 2006

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Local 89, UPS
Louisville, Ky.

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